

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lwo Dkt. No: RSW920030291US1
Serial No.: 10/783,002 Examiner: Chen, Qing
Filed: 02/20/2004 Art Unit: 2191
Title: COMPUTER-IMPLEMENTED METHOD, SYSTEM AND PROGRAM
PRODUCT FOR COMPARING APPLICATION PROGRAM INTERFACES
BETWEEN JAVA BYTE CODE RELEASES

Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF
ABANDONMENT UNDER 37 C.F.R. § 1.181(a)**

Sir:

This Petition is being filed subsequent to the Notice of Abandonment mailed February 6, 2008.

Applicant submits that the Notice of Abandonment citing Applicants' alleged failure to timely file a proper reply to the Office letter mailed on April 17, 2007 is improper, and respectfully submit:

- 1) On or about January 15, 2008, Applicants were made aware, via a telephone communication from the USPTO, that a communication, which had not been received by Applicant, had been sent from the Office on April 17, 2007.
- 2) On February 6, 2008, Applicants received a Notice of Abandonment from the USPTO.
- 3) Applicant declares that he never received the Office Action at the address indicated on the correspondence. This declaration is based on the fact that Applicant has established procedures for receiving, docketing and filing all correspondence of this nature. Applicant has no record of receipt, docketing or filing of the Office Action.
- 4) As a result of not having received the Office Action, Applicant was unable to respond to the correspondence in a timely manner.
- 5) Applicant respectfully submits that it is in the interest of due process that the time period for replying to the Office Action be reset to reflect the actual date of receipt of the Notice, *to wit*, from January 15, 2007.
- 6) Applicant has prepared and has included herewith, a complete response to the Office Action.

In light of the above, Applicant requests withdrawal of the holding of abandonment in the above-referenced patent application. Applicant further requests that the Office reset the time for filing a response to the Office Action mailed by the Office to run from the date of January 15, 2008 and accept the enclosed amendment as timely filed. Applicants still further pray for all other relief to which they may be entitled.

Respectfully submitted,



Hunter E. Webb
Reg. No. 54,593

Date: March 6, 2008

Hoffman, Warnick & D'Alessandro LLC
75 State Street, 14th Floor
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)